

**PSYCHOLOGICAL ASSISTANCE FOR VICTIMS OF TORTURE  
IN THE INTER-AMERICAN SYSTEM**

**USAID COOPERATIVE AGREEMENT EDG-A-00-02-00030-00**

**STATUS REPORT OCTOBER-DECEMBER, 2004**

**1. General Framework**

There were no hearings of cases of torture during the October-December 2004 quarter in the protection bodies of the Inter-American System included in the project. For this reason, the report does not include activities regarding psychological assistance to victims of torture nor directly pertaining to litigation of torture cases, although it does include activities regarding aspects of litigation before the Inter-American System.

The report does not refer to activities with respect to dissemination of information, either, as these will be conducted extensively in 2005 by means of printed publications and the IIHR and CEJIL websites.

Activities during this quarter pertain primarily to coordination of the network-team of specialists, enriching the methodology for comprehensive psychological assistance to victims of torture, training for the CEJIL team, and awareness enhancement in the Inter-American System.

The annual work plan included attendance by the coordinator of the project on behalf of the IIHR, Gilda Pacheco, to the meetings of the Inter-American Commission in October 2004, to meet with the coordinator of CEJIL and with representatives of the Commission, as well as to submit a report to this protection body on project execution. However, for reasons of *force majeure* this trip had to be suspended, and therefore the report was not submitted, but rather postponed for the February-March 2005 meetings; this has been included in the 2005 Work Plan and its schedule.

**2. Annual Goals**

2.1. Strengthening of the network-team of professionals specializing in comprehensive psychological assistance to torture victims in cases before the protection bodies of the Inter-American System.

2.2. Advocacy regarding development of the jurisprudence of the Court and the recommendations of the Inter-American Commission on Human Rights, with respect to psychosocial reparations in cases of torture.

### **3. Project Execution**

#### **3.1. Coordination of the Network-Team of professional specialists**

##### **3.1.1. Description**

Coordination of the network-team was conducted through the electronic discussion list, primarily addressing the following topics: coordination and exchange of information to prepare specialized articles, new information capsules, and comments on the judgments of the Court in cases covered by the project.

Eight information capsules were included in the specialized section (<http://www.iidh.ed.cr/comunidades/PrevencionTortura/index.htm>),<sup>1</sup> in connection with the topics of the sessions of the Inter-American Court, progress in jurisprudence in cases of torture before the Inter-American System, the new Rapporteur on the issue of Torture at the United Nations, a new specialized publication of the Court, and the report of the *Comisión Nacional sobre Prisión Política y Tortura* in Chile.

##### **3.1.2. Method**

Electronic communication regarding preparation of specialized articles in the network-team has been fluid, distributing various messages regarding this subject, both among the specialists themselves and through the general discussion list.

##### **3.1.3. Background/Justification**

The specialized section has continued to be fed during 2004 by the main function of acting as a linkage and providing theoretical-conceptual tools and practices for the network-team regarding psychological assistance to victims of torture. The discussion list was created to exchange significant information on project execution and on the psychological assistance methodology, and it has enabled coordination of actions by the network-team.

##### **3.1.4. Officers in charge and coordination**

The technical team of the IIHR is in charge of coordination with the network-team of professional specialists.

The report does not mention visits to the national offices of USAID because during this quarter there were no missions to other countries.

##### **3.1.5. Intermediate steps**

- Communication with the network-team through the discussion list.

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<sup>1</sup> As set forth in the annual plan for 2004 and stated in previous reports, this is a closed access website (not available to the public) because it is in a methodological validation phase. Members of the technical teams of the IIHR and of CEJIL in charge of the project and the network-team of professional specialists have access to the specialized section by means of a password.

### **3.1.6. Results or Products**

- Functioning of the electronic discussion list
- Specialized section available to the network-team

### **3.1.7. Impact indicators**

***“Enhanced knowledge of the network-team on the methodology of comprehensive psychological assistance”***

***“Further strengthening of the network-team”***

Strengthening of the network-team has continued through communication and exchange of ideas and information, by means of the specialized section and the discussion list. During the quarter covered by this report, the list has been used mainly to support the drafting of specialized articles to be published in 2005.

On the other hand, access to the contents available in the section enables the network-team to enrich its knowledge regarding psychological assistance to victims of torture in the Inter-American System, during this period with 8 information capsules on: the topics of the sessions of the Inter-American Court; progress in jurisprudence in cases of torture before the Inter-American System; the new Rapporteur on the issue of Torture at the United Nations, a new specialized publication of the Court, and the report of the Comisión Nacional sobre Prisión Política y Tortura in Chile.

**We offer the following means of verification:**

- 10 messages distributed by the discussion list between October and November 2004
- customized e-mails to members of the network-team

## **3.2. Training and support for the CEJIL staff**

### **3.2.1 Description**

During the quarter covered by this report the project continued the training process for CEJIL staff, by means of a training event held in Washington December 6-8, 2004. The event was conducted by Carlos Martín Beristain,<sup>2</sup> a well known international specialist in mental health and human rights, and it dealt with psychosocial aspects of litigation in cases involving torture.

Various aspects were addressed during this event, as shown in the appended program.

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<sup>2</sup> Carlos Martín Beristain is a physician and a specialist in health education. He teaches in the European University Diploma program in International Humanitarian Aid at Universidad de Deusto. He is the co-Chair of the University diploma program on Mental Health in Catastrophes and Wars. He was also the coordinator of the report of the Proyecto Interdiocesano de Recuperación de la Memoria Histórica REMHI-GUATEMALA: NUNCA MÁS, of the Human Rights Office of the Archbishopric of Guatemala (1995-1998). He has conducted Mental Health and Human Rights workshops with human rights groups and displaced communities in Guatemala, El Salvador, Colombia and Mexico (1989-1999) and has held more than 200 workshops. He has also trained professionals and community agents. He has published several books and documents on social reconstruction. In 1998 he received the human rights award Premio León Felipe de Derechos Humanos.

### **3.3.2 Method**

First of all, the project considered who the specialist in charge of this new training event might be, and finally chose Dr. Beristain, who has been an expert witness in cases of torture before the Inter-American Court. The program of the workshop and the topics to be addressed were defined together with him, as follows:

- Frequent problems in working with victims.
- Certain psychosocial premises of work with victims of human rights violations: conceptual approach, victims and secondary victimization, cultural differences, individual and collective effects; violations and dignification.
- Explanatory models of the impact of traumatic experiences: concepts and models regarding trauma, grieving, stress, etc. Major trends and their usefulness in the cases stated.
- Support factors in recovery of the victims: coping, resistance, social support: how the victims address traumatic events and factors of recovery and support.
- Psychosocial evaluation: impact and consequences of the event, therapeutic relationship versus evaluation; increasing the visibility of the damage and risks involved in the evaluation.
- Different experiences of various population groups (children, youths, men, women, the elderly).
- Analysis of psychosocial problems and implications of specific violations: Torture, extra-judicial execution, forced disappearance, massacres, rape, threats.
- Challenges and some indications for work with victims in the various cases: discussion of practical cases.
- Key moments in the work with victims, difficulties and resources in the various phases: expectations, communication, risk management, local needs and needs of the case, preparatory phase, follow-up.
- Problems, difficulties, and basic skills in handling interviews, examination of witnesses, etc. Characteristics of a good interview, structure of the interview, basic techniques, use of questions, critical situations, follow-up.
- Reparations: Psychosocial aspects.

CEJIL's attorneys were asked to attend the Washington meeting where the training took place. Participants included staff from the offices in Washington, Costa Rica, Brazil, and CEJIL's representative in Chile.

### **3.2.3 Background/Justification**

By continuing the training process begun in 2003, the project expects CEJIL's team to be better prepared to handle emotionally difficult situations with the victims and their next of kin, as well as to take up the issue of psychological impact on victims of torture in the institutional sphere. This training for CEJIL, which litigates 90% of the cases before the System, will benefit the victims of torture.

### **3.2.4 Officers in charge and coordination**

CEJIL's technical team selected the professional who trained the staff.

### **3.2.5 Intermediate steps**

- Selection of the specialist who conducted the training.
- Planning of topics to be addressed and coordination with the specialist.
- Summoning of CEJIL staff.

### **3.2.6 Results or Products**

- Thirteen members of CEJIL's staff trained.
- Report on the training process.

### **3.2.7. Impact indicators**

***“Enhanced ability of CEJIL's team to handle psychological aspects of torture”***

***“Greater presence of the issue in the bodies of the Inter-American System”***

The purpose of this training process is to increase the ability of CEJIL's team to handle situations derived from cases of torture, as well as to identify the dynamics that derive from continuous work with victims of grave human rights violations. Topics pertaining to dealing with victims of torture, their psychosocial dynamics, and aspects derived from litigation of these cases were addressed in depth during this process. The topics were identified initially by the team, and were geared toward enhancing their knowledge of issues pertaining to torture and the specific situation of its victims.

The training process, which began during the last quarter of 2003, has enabled the issue of torture to have a higher profile before the Inter-American System, as CEJIL is the organization with the highest profile and greater participation in case litigation, and it is now more aware and better trained to address the issue and to make its repercussions known to the bodies of the system.

The specialists, who have conducted the various training workshops, are well known internationally as knowledgeable experts on the issues addressed. All of CEJIL's attorneys participated in the process and expressed in their assessment of the training events that they are better prepared for litigation and handling of this type of cases.

**We offer the following means of verification:**

- E-mails summoning the training workshop.
- Workshop program.
- Report by the specialist who conducted the training.

### **3.3. Litigation of torture cases before the Inter-American System**

#### **3.3.1. Description**

##### **New cases with a potential to be included in the Project**

During the period covered by this report (October-December 2004), the Inter-American Commission issued an Article 50 (of the American Convention) report in the Cuatro Puntos Cardinales vs. Honduras case. This case involves a complaint regarding arbitrary detention, torture, and execution of four persons, two of them minors. The case is being assessed to include it in the Project if it is brought before the Court.

##### **Hearings before the Inter-American Court**

During the period covered by this report, the Inter-American Court of Human Rights met and held hearings, although none of them involved the cases represented by CEJIL.

Meanwhile, several judgments were issued during this same period regarding various cases that benefited from the initiative of this project:

##### **Case of the Serrano Sisters**

This case addressed a complaint regarding the capture, kidnapping, and forced disappearance of two girls, Ernestina and Erlinda Serrano Cruz, 7 and 3 years old, respectively, at the time, by military members of the 'Atlacatl' battalion of the Army of El Salvador, during a military operation in the Municipality of San Antonio de la Cruz, in the Department of Chalatenango.

On November 23, 2004 the Court issued a ruling on preliminary objections in the case, interpreting the saving clause with which the State of El Salvador ratified the American Convention, and the Court decided not to continue hearing the case in this international venue.

#### **3.3.2. Method**

##### **New Hearings session**

On September 1, 2004 the requests for hearings were sent to the Commission for the session from October 21 to 27, 2004.

There were no hearings of cases with the requirements to be included in the project, for which reason the target was left pending for 2005.

#### **3.3.3. Background/Justification**

During 2003 and 2004, the project has taken up 4 cases of torture litigated before the Inter-American System. Setting forth these cases before the System, supported by the comprehensive methodology developed by the project, has enhanced the visibility of the complexity of this issue, and it is hoped that the bodies of the system will develop adequate responses to it.

#### **3.3.4. Officers in charge and coordination**

CEJIL's technical team.

#### **3.3.5. Intermediate steps**

- Identifying and studying new cases to be taken up by the project
- Request for hearings before the Inter-American Commission

#### **3.3.6. Results or Products**

There are no specific products for the period covered by the report (October-December 2004).

#### **3.3.7. Impact indicators**

***“Greater number of torture cases processed by the bodies of the Inter-American System”***

***“Higher profile of the issue before the bodies of the Inter-American System”***

Since there has been no litigation of torture cases during the quarter covered by the report (October-December 2004), it is not possible to assess attainment of the impact indicators.

**We offer the following means of verification:**

- Press releases of the Inter-American Court on the hearings summoned
- Briefs requesting hearings

### **3.4. Enhancement of the Comprehensive Psychological Support Methodology**

#### **3.4.1. Description**

As mentioned in the previous quarterly report (July-September 2004), work began on preparation of a specialized book on topics pertaining to victims of torture and psychological contributions in the context of international case litigation.

It was deemed necessary for the article on interdisciplinary psycho-juridical language to be prepared jointly by the professional specialist in charge of this topic and an attorney familiar with the subject matter, for which reason, after defining the terms of reference and selecting the lawyer, the project made the respective contractual arrangement.

With respect to material for the project's specialized section in the IIHR webpage, the project gathered reports and expert opinions prepared by specialists, to include them in the section as documents for the specialists, for implementation and enrichment of the psychological assistance methodology.

On the other hand, the project defined the terms of reference for the development of a legal glossary for the specialized section, and it made a contractual arrangement with the person chosen for this job. 115 juridical-political terms will be included in the glossary subsection of the specialized section.

There were no coordination and feedback meetings of the psychologists and the legal team, as there was no case litigation during the period covered by the report.

### **3.4.2. Method**

During the quarter covered by this report (October-December 2004), the project monitored progress of the drafting of articles via e-mail, motivated exchanges among specialists to avoid reiterations in the various articles and to enrich them with contributions by other specialists. In response to several persons' requests, the project considered the possibility of modifying the timetable for delivery so that everyone could improve the quality of their articles. The modified timetable is as follows:

- **January 31, 2005:** Delivery of the preliminary version of the article to the IIHR.
- **February 1-28, 2005:** Reading of the other articles (available at the specialized section) and recommendations to the authors by specialists on the team and at the IIHR.
- **March 7-11, 2005:** Discussion of the article at a meeting in Costa Rica, attended by the authors.
- **April 15, 2005:** Final delivery of the articles with the recommendations included.

### **3.4.3. Background/Justification**

The final goal of the project is to "Provide psychological assistance to victims of torture in cases before the Inter-American System for the Protection of Human Rights". To attain this goal, it is necessary to constantly improve the methodology. For this reason, the project has designed various channels to enable this methodological enhancement and to accrue the theoretical and technical capital required to provide high quality assistance to the victims.

Part of the project's legacy to strengthen psychosocial support to victims of torture is a number of broadly disseminated publications that will be useful for professionals who resort to the Inter-American System in the future.

### **3.4.4. Officers in charge and coordination**

Technical team of the IIHR.

### **3.4.5. Intermediate steps**

- Electronic communication with the network-team
- Development of the timetable for delivery of specialized articles
- Material for the specialized section
- Contract for a legal glossary

### **3.4.6. Results or Products**

- Glossary of legal terms pertaining to the issue of torture in the Inter-American System
- Specialized articles to publish a book in 2005



### **3.4.7 Impact indicators**

***“Continuous improvement of the comprehensive psychological assistance methodology for torture victims”***

***“In-depth development of significant aspects of the methodology”***

The process of continuous improvement of the comprehensive psychological assistance methodology has been enhanced by feedback from the psychologists, by coordination between the legal and psychological teams, and by constantly providing material for the specialized section. Likewise, drafting of the specialized articles<sup>3</sup> helps strengthen the training and the contributions of the network-team of specialists, and once the publication is made available to the public, it will be a very useful tool to improve the emotional conditions of victims of torture who resort to the Inter-American System for protection of human rights in the future.

**We offer the following means of verification:**

- Contracts with consultants
- E-mails to coordinate drafting of the articles

## **3.5. Awareness enhancement in the Inter-American System**

### **3.5.1. Description**

As stated in the general framework of this report, the visit of the coordinator of the project on behalf of the IIHR, Gilda Pacheco, to the Inter-American Commission during its meeting in Washington D.C., as part of actions to enhance awareness in this international protection body, had to be cancelled for reasons of *force majeure*. The meeting will take place during the upcoming session of the Commission, in February-March 2005.

The project coordinator on behalf of the IIHR held informal meetings with three Judges of the Inter-American Court: Cecilia Medina Quiroga (23-11-04), Antonio Cançado Trindade (19-11-04) and Manuel Ventura Robles (03-12-04), to comment on the book with specialized articles that is underway and to receive feedback on the role of psychological expert opinions during the case hearings. She also met (29-10-04) with the Secretary of the Court, Pablo Saavedra, to report to him on progress of the project.

### **3.5.2. Method**

The meetings with representatives of the Inter-American Court took place in San Jose, Costa Rica, taking advantage of the geographical proximity of the seat of the IIHR and of the Court, in

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<sup>3</sup> As we reported in the July-September 2004 report, the topics of the specialized articles were the following: Exhaustion of domestic remedies and its psychosocial implications for the victims; Psychological support and psychotherapy; Interdisciplinary psycho-juridical language in connection with litigation of cases in the Inter-American System; Torture; Forced Disappearance; Grieving process; Impunity; Reparations in cases of torture and forced disappearance in the Inter-American System; Approaching victims of massacres and collective reparation strategies; Role of the State and NGOs in support of the mental health of victims of torture; Role of the next of kin: from victims to social actors.

combination with the session of the Court (LXV Regular Session, from November 15 to 26, 2004).

### **3.5.3. Background/Justification**

The process of enhancing awareness in the Inter-American System began in 2002 with the start of the project, and has continued to date. It is deemed an essential activity to attain the goals set forth, especially that of advocacy before the bodies of the System to seek comprehensive reparations for the victims and their next of kin, as well as through impact on public policy in the countries that might be involved in Court jurisprudence.

### **3.5.4. Officers in charge and coordination**

Technical team of the IIHR.

The report does not include any meeting with USAID officials, because Gilda Pacheco's mission to Washington (October 2004) as coordinator of the project on behalf of the IIHR was cancelled, as explained above.

### **3.5.5. Intermediate steps**

- To request and obtain appointments with Judges and the Secretariat of the Inter-American Court.

### **3.5.6. Results or Products**

Permanent awareness enhancement program with Judges of the Inter-American Court through informative meetings.

### **3.5.7. Impact indicators**

***“Progress in jurisprudence on torture by the Inter-American Commission and the Inter-American Court”***

***“Progress in awareness enhancement of these bodies regarding the issue of the psychological impact of torture”***

***“Inclusion of psychosocial reparations for the victims or their next of kin in the recommendations and judgments issued by the bodies of the Inter-American System”***

The impact of these indicators is measured on a medium-term basis in the judgments and recommendations of the protection bodies, and in the short run through hearings granted for cases taken up by the project. During 2004, the Inter-American Court granted hearings in 4 of the project's cases, which shows an interest in the topic and awareness regarding the project.

The meetings held with members of the Inter-American Court (Judges and the Secretary) have shown that they are very interested in the project and specifically in the products that will result from its execution (including the specialized section and the printed publications). They have also enabled an assessment by these persons of the performance of the psychological expert witnesses at the public hearings of the Court in cases of torture. This constitutes an important

contribution to be taken into account to enrich the comprehensive psychological assistance methodology for victims of torture before the Inter-American System, which includes psychological expert opinions.

**We offer the following means of verification:**

- Agenda of meetings with Judges and the Secretary of the Inter-American Court.

### ***3.6 Updating of the Directory of Organizations***

#### **3.6.1 Description**

The regional directory of organizations records organizations that specialize in psychosocial care of survivors of torture and their next of kin. It is available on-line, at the specialized section of the project at the IIHR website (<http://www.iidh.ed.cr/comunidades/PrevencionTortura/index.htm>).

Two new records were added to the directory during the quarter covered by this report.

#### **3.6.2 Method**

New information on organizations is gathered constantly, and every quarter it is included in the webpage.

Documents on file were reviewed to establish which organizations could be included in the electronic directory, and two new records were selected and included in the directory.

#### **3.6.3 Background/Justification**

The directory of organizations was made available on-line during the October-December 2003 quarter, with the aim of providing access to it for interested users. The objective is to inform the Judges and members of the Commission in charge of issuing judgments and recommendations on the cases, about the existence of local resources and organizations that can help in the emotional recovery of the victims and their next of kin. It is a readily accessible data bank on organizations that address this topic.

#### **3.6.4 Officers in charge and coordination**

Technical team of the IIHR

#### **3.6.5 Intermediate steps**

- Electronic and personal contacts with organizations
- Including information in the electronic directory

#### **3.6.6 Results or Products**

Electronic directory on organizations that specialize in care of torture victims, with 22 records of organizations involved in the project.

### 3.6.7 Impact indicators

#### ***“Greater access by users to updated information on organizations that address the psychosocial aspects of torture”***

The electronic directory of organizations provides access to basic information on organizations and networks that address the issue of torture in various countries of the hemisphere.

#### **We offer the following means of verification:**

- Electronic access to the directory of organizations:  
<http://www.iidh.ed.cr/comunidades/PrevencionTortura/index.htm>

## **4. Lessons Learned**

This quarter (October-December 2004) showed the complexity of the cases brought before the Inter-American System, as well as the factors foreign to the project that can influence favorable or unfavorable development of the cases. Two cases taken up by the project did not go beyond the preliminary objections phase before the Inter-American Court, even though the Commission deemed that it was feasible to submit these cases to the Court and that it was necessary for the Court to decide on reparations for the victims. In the *Martín del Campo Dodd vs. Mexico* case, the Court found the case inadmissible for procedural reasons. Subsequently, in the case of the *Serrano Sisters vs. El Salvador*, the Court issued a ruling in which, for technical reasons regarding the time when the facts took place, it decided not to continue hearing the case.

Despite the above, in other cases there has been progress regarding compliance with judgments of the Court, which is very satisfactory. For example, in the case of *Juan Humberto Sánchez vs. Honduras*, the first case taken up by the project, the Honduran State complied with the judgment when it exhumed the remains of Mr. Sánchez on August 25 of this year, and on November 5, at a public act at the Presidency, when Honduran President Ricardo Maduro, as Head of State, apologized to the next of kin of Juan Humberto Sánchez, acknowledging the responsibility of the State for the human rights violations suffered by Mr. Sánchez and his next of kin.

The above serves as inspiration for the technical team of the project to continue with litigation and psychological assistance in the new cases that will come up in 2005, to attain the goal set forth. It also demonstrates the current importance of the Inter-American System for protection of and reparations to the victims.

# **SCHEDULE 2004-PROJECT: PSYCHOLOGICAL SUPPORT FOR VICTIMS OF TORTURE IN THE INTER-AMERICAN SYSTEM**

**December 2004**

ACTIVITIES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
<b>Activities by IIHR</b>												
Operate the electronic communication network												
Upgrade the specialized section												
Open the specialized section												
Comprehensive psychological care for victims of torture or their families												
Meet with specialists and attorneys												
Analyze psychological care for victims of torture or their families												
Prepare specialized reports												
Present specialized reports before the Inter-American Commission and Inter-American Court												
Meet with representatives of Court and Commission (Washington D.C.)												
Maintain directory												
<b>Activities by CEJIL</b>												
Coordinate staff access to psychological assistance												
Prepare trips to the region												
Conduct trips to the region												
Prepare reports of trips												
Analyze cases with potential to be submitted for hearings												
Prepare and submit requests for hearings before the Commission												
Follow-up on requests for hearings												
Identify a specialist to provide treatment and to prepare expert witness												

ACTIVITIES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Prepare hearings that have been admitted												
Hold hearings												
Informal meetings with representatives of the Commission and Court (Washington D.C.)												
Implementation of follow-up to staff training												
Training of staff												
Placing on line of the Thematic Files on Torture												
Dissemination of the Thematic Files												
Updating and adjustment of Thematic Files												
Preparation of final version of the Gaceta												
Design and printing of the Gaceta												
Gaceta available on the web site												
Dissemination of the Gaceta												
Dissemination of the Directory of Organizations: inclusion of link in the Thematic Files												